IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

IN RE: HEALTH ASSURANCE, LLC **CASE NO. 17-00535-ee**

DEBTOR **CHAPTER 7**

MOTION TO LIFT AUTOMATIC STAY

Shontena K. Elliott, Individually and as Personal Representative on Behalf of the Wrongful Death Beneficiaries of Jonathan Scott Keen ("Plaintiffs"), by and through undersigned counsel, hereby moves the Court, pursuant to 11 U.S.C. § 362 and Federal Bankruptcy Rules 4001 and 9014, for an Order lifting the automatic stay to permit the continuation through settlement or trial of a lawsuit in which Health Assurance, LLC ("Debtor") is a Defendant. In support thereof, Plaintiffs state as follows:

1. Debtor filed for protection pursuant to Chapter 7 of the Federal Bankruptcy Code on February 15, 2017. The Court has jurisdiction pursuant to 28 U.S.C. § 1334 and 28 U.S.C. § 157.

2. On May 12, 2016, Plaintiffs filed a lawsuit against Debtor as a Co-Defendant in said case. Plaintiffs are the holder of an unsecured, unliquidated, contingent claim against the Debtor for damages arising out of the wrongful death of Jonathan Scott Keen on or about June 16, 2015.

3. Plaintiffs request that this Honorable Court lift the automatic stay as to the extent necessary to allow them to litigate their case. The Debtor has insurance coverage and any judgment will be limited to the amount of said insurance coverage.

4. The following relevant factors counsel in favor of lifting the stay as to this matter:

A. No prejudice will come to Debtor's other creditors should the litigation be allowed to proceed, as no assets of the Estate are impacted;

B. Plaintiffs have an interest in resolving their claims in a timely manner;

C. Allowing the litigation to proceed as requested is in the interest of judicial economy and the expeditions and economical determination of litigation for the parties;

D. Plaintiffs are entitled to have the automatic stay lifted to pursue any claims they may have in the appropriate non-bankruptcy court against the Debtor to the extent that there is insurance to provide for the defense of the Debtor and the payment of any judgment or settlement against the Debtor; and

E. Insurance is available to cover Plaintiffs' damages. *In re Tricare Rehabilitation Systems*, 181 B.R. 569, 573 (Bkrtcy, N.D. Ala. 1994).

5. There is no legitimate argument that proceeding with the litigation will interfere with Debtor's ability to move forward with the bankruptcy process, rather, it will resolve a pending claim.

6. In light of the above, the stay should be lifted as requested.

WHEREFORE, PREMISES CONSIDERED, for the foregoing reasons, Shontena K. Elliott respectfully requests that the Court enter an Order lifting the automatic stay.

RESPECTFULLY SUBMITTED, THIS the 4th day of March, 2017.

SHONTENA K. ELLIOTT, Individually and as
Personal Representative on Behalf of the Wrongful
Death Beneficiaries of JONATHAN SCOTT KEEN

BY: _*/s/ Charles R. Mullins*_______________________
CHARLES R. MULLINS

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CERTIFICATE OF SERVICE

I, Charles R. Mullins, attorney of record for the Plaintiffs in the above-styled and referenced matter, do hereby certify that I have this date served the above and foregoing ***Motion to Lift Automatic Stay*** upon the following persons of interest via United States mail, postage prepaid:

Tylvester O. Goss, Esquire
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Eileen N. Shaffer, Esquire
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THIS, the 4th day of March, 2017.

/s/ Charles R. Mullins
CHARLES R. MULLINS